

SECOND REGULAR SESSION

# HOUSE BILL NO. 2236

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK (7).

4584H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 104.380 and 104.1039, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 104.380 and 104.1039, to read as follows:

104.380. 1. If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee, but the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service continuously for at least one year in order to receive any additional annuity. Any retired member who again becomes an employee and who accrues additional creditable service and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued. In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 person to perform duties during at least one thousand forty hours per year, the member shall  
19 not be considered an employee as defined pursuant to section 104.010. A retired member  
20 who becomes reemployed as an employee on or after August 28, 2001, in a position covered  
21 by the Missouri department of transportation and highway patrol employees' retirement  
22 system shall not be eligible to receive retirement benefits or additional creditable service from  
23 the state employees' retirement system. Annual benefit increases paid under section 104.415  
24 shall not accrue while a retired member is employed as described in this section. Any future  
25 annual benefit increases paid after the member terminates such employment will be paid in  
26 the same month as the member's original annual benefit increases were paid. Benefits paid  
27 under subsection 3 of section 104.374 are not applicable to any additional annuity paid under  
28 this section.

29 **2. Upon the end of reemployment, as described in subsection 1 of this section, a**  
30 **retiree may make an election under option 1 or option 2 of subsection 1 of section**  
31 **104.395 under the following circumstances:**

32 **(1) The member elected to receive a life annuity and was not eligible to elect**  
33 **option 1 or option 2 of subsection 1 of section 104.395 on the original annuity starting**  
34 **date; and**

35 **(2) The member married during reemployment.**

36 **3. A member shall make the election described in subsection 2 of this section**  
37 **within ninety days of the first day of the month following the termination of**  
38 **reemployment. Such election shall apply to both the original and additional annuity.**  
39 **Such election shall be prospective and effective the first day of the month following the**  
40 **date of election.**

104.1039. 1. If a retiree is employed as an employee by a department, the retiree  
2 shall not receive an annuity payment for any calendar month in which the retiree is so  
3 employed. While reemployed the retiree shall be considered to be a new employee with no  
4 previous credited service and must accrue credited service continuously for at least one year  
5 in order to receive any additional annuity. Such retiree shall receive an additional annuity in  
6 addition to the original annuity, calculated based only on the credited service and the pay  
7 earned by such retiree during reemployment and paid in accordance with the annuity option  
8 originally elected **or as provided in subsection 2 of this section**; provided such retiree who  
9 ceases to receive an annuity pursuant to this section shall not receive such additional annuity  
10 if such retiree is employed by a department in a position that is covered by a state-sponsored  
11 defined benefit retirement plan not created pursuant to this chapter. The original annuity and  
12 any additional annuity shall be paid commencing as of the end of the first month after the  
13 month during which the retiree's reemployment terminates. Cost-of-living adjustments paid  
14 under section 104.1045 shall not accrue while a retiree is employed as described in this

15 section. Any future cost-of-living adjustments paid after the retiree terminates such  
16 employment will be paid in the same month as the retiree's original annual benefit increases  
17 were paid.

18 **2. Upon the end of reemployment, as described in subsection 1 of this section, a**  
19 **retiree may make an election under option 1 or option 2 of subsection 1 of section**  
20 **104.1027 under the following circumstances:**

21 **(1) The member elected to receive a life annuity and was not eligible to elect**  
22 **option 1 or option 2 of subsection 1 of section 104.1027 on the original annuity starting**  
23 **date; and**

24 **(2) The member married during reemployment.**

25 **3. A member of the Missouri state employees retirement system shall make the**  
26 **election described in subsection 2 of this section within ninety days of the**  
27 **commencement of the annuity and additional annuity. Such election shall apply to**  
28 **both the original and additional annuity. Such election shall be prospective and**  
29 **effective the first day of the month following the date of election.**

30 **4. A member of the Missouri department of transportation and highway patrol**  
31 **employees' retirement system shall make the election described in subsection 2 of this**  
32 **section during the retirement application process. Such election shall apply to both the**  
33 **original and additional annuity. Such election shall be prospective and effective the first**  
34 **day of the month following the date of election.**

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